

Lexington, Kentucky April 13, 2006

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on April 13, 2006 at 7:00 P.M. Present were Mayor Teresa Ann Isaac in the chair presiding and the following members of the Council: Council Members Myers, Shafer, Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord and Moloney. Absent was Council Member Scanlon.

The reading of the Minutes of the previous meetings was waived.

Ordinances No. 68-2006 thru 78-2006 inclusive and Resolutions No. 116-2006 thru 161-2006 inclusive were reported as having been signed and published, and were ordered to record.

Lexington, Kentucky April 13, 2006

The Invocation was given by Pastor Chip Monck, Stonewall Wesleyan Church.

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Upon motion of Ms. Shafer and seconded by Mr. Decamp, the minutes of the March 7 and 23, 2006 Council Meetings were approved by unanimous vote (Mr. Brown, Mr. Cegelka and Mr. Farmer were absent when the vote was taken.).

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The Mayor introduced Ms. Mindy Stone, Div. of Parks, the Kiddie Kapers & Co. Manager, who introduced the various competition teams of the Show Stoppers Dance Competitors.

Ms. Stone also announced that the annual recital was on April 22nd and invited the Mayor and Council to attend.

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Mr. DeCamp presented a Commemoration hailing and commending the Bell Court Historic Neighborhood District as a winner of the Preserve America Community Neighborhood Award.

The Mayor stated that they were very proud of the neighborhood for this accomplishment.

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Mr. Brown presented a Commemoration hailing and commending the Gratz Park Historic District as a winner of the Preserve America Community Neighborhood Award.

A representative from the Gratz Park Historic District accepted the Commemoration on its behalf and spoke about the hard work that went into achieving the award and the grant funding they would be eligible to apply for because of it.

The Mayor stated that they were very proud of the neighborhood for this accomplishment.

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The following ordinances were given second reading and passed by the following vote:

Aye: Myers, Shafer, Stevens, Stinnett, Wigginton, Brown, Cegelka,
DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney ----- 14

Nay: ----- 0

An Ordinance amending Section 13-4 of the Code of Ordinances to delete subsection (d) and creating Section 13-6(f) of the Code of Ordinances to relocate language exempting tobacco settlement funds from occupational license fees to the ordinance

section dealing with exemptions, and to create an exemption for funds received through the Tobacco Buydown Program.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing three (3) positions of Paralegal, Grade 113E, and creating four (4) positions of Paralegal, Grade 113N, and reclassifying the incumbents, in the Dept. of Law, and appropriating funds pursuant to Schedule No. 178.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the U.S. Dept. of Health and Human Services, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$165,000.00 Federal funds, are for operation of the Metro Alternative Shelter House (M.A.S.H.) Drop Inn facility, the acceptance of which obligates the Urban County Government for the expenditure of \$165,000.00 as a local match to be provided by M.A.S.H. Drop Inn, appropriating funds pursuant to FY 2007 Schedule No. 3, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 177.

An Ordinance authorizing the Mayor to accept a donation of \$120.00 from the Fayette County Board of Education, for the Gainesway Community Empowerment Center for the Homework Huddle Program and appropriating funds pursuant to Schedule No. 180.

An Ordinance authorizing the Mayor to accept a donation of \$2,883.00 from the Lexington Leadership Foundation, for the Gainesway Community Empowerment Center to use at its discretion and appropriating funds pursuant to Schedule No. 181.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Dept. of Education, Div. of School and Community Nutrition, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$163,175.00 Federal funds, are for the 2006 Summer Food Service Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 179, and

authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the U. S. Dept. of Justice, which grant funds are in the amount of \$5,159 Federal funds, are for the purchase of bulletproof vests for the Div. of Police (\$2,320.00), the Fayette County Sheriff's Office (\$2,320.00), and the Bluegrass Airport Police (\$519.00) to replace vests that contain zylon, the acceptance of which obligates the Urban County Government for the expenditure of \$2,320.00, appropriating funds pursuant to Schedule No. 182, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$97,980.00 Federal funds, are for continuation of the Street Sales Drug Enforcement Project, the acceptance of which obligates the Urban County Government for the expenditure of \$32,660.00 as a local match, appropriating funds pursuant to FY 2007 Schedule No. 4, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Governor's Highway Safety Program, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$40,000.00 Federal funds, are for continuation of the Lexington-Fayette Urban County Government's Traffic Safety Program, the acceptance of which obligates the Urban County Government for the expenditure of \$40,000.00 as a local match, appropriating funds pursuant to FY 2007 Schedule No. 5, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending subsections (c)(3)c.1, (c)(4), (d)(2), (e) and (g)(1) of Section 22-53.1 of the Code of Ordinances to eliminate the requirement that members of the oral examination board be command officers appointed pursuant to Section 23-30(b)(3), to change the timing of the psychological suitability screening test to be when a sufficient number of candidates are identified from the register and to include evidence from its results as a potential basis to eliminate a candidate from the register, to allow the examination, test, and background check to be used as a basis to remove a

candidate at any point in the process to provide that the Chief of Police shall determine the number of alternates to be selected for each academy, that the expiration of the list will occur at the completion of the orientation section of each academy class that alternates not selected will be returned to the register and may be reranked, to replace the term second physical fitness test with the term post employment offer physical fitness test, to remove the four week time limit for completion of the physical fitness test, to add the term months, to remove the psychological suitability screening test and physical fitness test and add the post employment offer physical fitness test as a basis for mandatory removal from the list, to provide that all deferral candidates must pass a new physical fitness test, medical examination, psychological suitability screening test, polygraph examination, and background check update, except if the psychological suitability screening test and polygraph examination were completed within the preceding twelve months, to renumber the effected subsections to reflect these changes, all effective upon the date of passage.

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An Ordinance changing the zone from a Single Family Residential (R-1A) zone to a Single Family Residential (R-1B) zone for 12.55 net (13.83 gross) acres of property located at 3330 Versailles Road, subject to certain use and buffer restrictions imposed as conditions of granting the zone change (Thirty Three Thirty, LLC) was given first reading.

Upon motion of Mr. Lane and seconded by Mr. Ellinger, the rules were suspended by unanimous vote. The ordinance was given second reading and passed by the following vote:

Aye: Myers, Shafer, Stevens, Stinnett, Wigginton, Brown, Cegelka,
DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney ----- 14

Nay: ----- 0

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An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone for 40.77 net (45.57 gross) acres of property located at 1100 Alexandria Drive (Woodall McMakin Joint Ventures, LLC) was given first reading and ordered placed on file until a public hearing to be held at a Special Meeting on May 23, 2006 at 6:00 p.m.

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An Ordinance changing the zone from a Neighborhood Business (B-1) zone to a

Highway Service Business (B-3) zone for 0.23 net (0.40 gross) acre of property located at 717 North Broadway (Moe Sader) was given first reading.

Mr. Kevin West, on behalf of the petitioner Moe Sader, requested that a public hearing be held on the ordinance.

Mr. Phil Points, 424 West Sixth Street, also requested that a public hearing be held on the ordinance.

Mr. Brown requested that Mr. Points provide him by next Tuesday with meeting dates that the area residents would like to request for it.

The Mayor stated that a public hearing would be scheduled at Work Session on Tuesday, April 18th.

The ordinance was ordered placed on file one week for public inspection.

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An Ordinance accepting the bid of Walter Martin Excavating, Inc. in the amount of \$65,408.75, for Squires Hill Lane Culvert Replacement, and appropriating funds pursuant to Schedule No. 187 was on the docket for first reading.

Upon motion of Mr. Cegelka, seconded by Mr. Ellinger and passed by unanimous vote, the ordinance was removed from the docket in order for a Resolution on the bid to be placed on the docket for first reading.

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The following ordinances were given first reading and ordered placed on file one week for public inspection.

An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Highway Service Business (B-3) zone for 0.853 net and gross acre of property located at 2526 Regency Road, subject to certain use restrictions imposed as conditions of granting the zone change. (Frye Holdings, LLC)

An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a High Density Apartment (R-4) zone for 0.48 net (0.58 gross) acre of property located at 306, 310, 318 and 322 Foreman Avenue. (Edwards Communities)

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Cabinet for Health and Family Services, which grant funds are in the amount of \$435,945.00 Federal funds, are for continuation of the New Chance Program (\$328,045.00, the Local Governance Council Project (\$57,900.00), and the Peers Educating Peers Mentoring Project (\$50,000.00) in FY 2007, the acceptance of which obligates the Urban County

Government for the expenditure of \$93,450.00 for the New Chance Program, \$13,550.00 for the Local Governance Council Project and \$39,440.00 for the Peers Educating Peers Mentoring Project, appropriating funds pursuant to FY 2007 Schedule No. 6, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 183.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$25,000.00 in the Div. of Parks from the Council Capital Funds for the renovation of playground areas at Woodland Park, and appropriating and reappropriating funds, Schedule No. 165.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$6,000.00 in the Div. of Engineering from the Council Capital Funds for sidewalks in Eastland Parkway near Jennifer Road, and appropriating and reappropriating funds, Schedule No. 166.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$28,000.00 from the Council Capital Funds for the Corridors Program, and appropriating and reappropriating funds, Schedule No. 167.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$700.00 in the Div. of Parks from the Council Capital Funds for brick walk repairs at Gratz Park, and appropriating and reappropriating funds, Schedule No. 190.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$3,700.00 in the Div. of Parks from the Council Capital Funds for the purchase of benches and tables for Coolavin Park, and appropriating and reappropriating funds, Schedule No. 191.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban

County Government to reflect current requirements for funds in the amount of \$17,000.00 in the Div. of Parks from the Council Capital Funds for the resurfacing of the basketball court at Green Acres Park, and appropriating and reappropriating funds, Schedule No. 192.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$36,650.00 in the Div. of Parks from the Council Capital Funds for path resurfacing and other projects at Duncan Park, and appropriating and reappropriating funds, Schedule No. 193.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$50,000.00 in the Div. of Streets, Roads and Forestry from the Council Capital Funds for repaving portions of Woodhill Drive, and appropriating and reappropriating funds, Schedule No. 194.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$45,000.00 in the Div. of Parks from the Council Capital Funds for playground equipment at River Hill Park, and appropriating and reappropriating funds, Schedule No. 195.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$19,000.00 in the Div. of Parks from the Council Capital Funds for site improvements to Shillito Park's Babe Ruth baseball fields, and appropriating and reappropriating funds, Schedule No. 196.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$80,950.00 in the Div. of Parks from the Council Capital Funds for park improvements in the Tenth Council District, and appropriating and reappropriating funds, Schedule No. 197.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$10,000.00 in the Div. of Streets, Roads and Forestry from the Council Capital Funds

for plantings along Wolf Run Creek to help with flooding abatement, and appropriating and reappropriating funds, Schedule No. 198.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$5,000.00 in the Div. of Parks from the Council Capital Funds for tree barrier at the Veterans Park Fire Station, and appropriating and reappropriating funds, Schedule No. 199.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$12,200.00 in the Div. of Parks from the Council Capital Funds for sidewalk, path and signage improvements at Raven Run Nature Sanctuary, and appropriating and reappropriating funds, Schedule No. 200.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$15,000.00 in the Div. of Parks from the Council Capital Funds for a landscape buffer between Wellesley Heights Subdivision and Cardinal Run North Park soccer fields, and appropriating and reappropriating funds, Schedule No. 201.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$40,000.00 in the Div. of Parks from the Council Capital Funds for additional parking spaces at Mt. Tabor Park, and appropriating and reappropriating funds, Schedule No. 202.

An Ordinance authorizing the Mayor to accept a donation of \$4,750.00 from Barkham, Inc., for the Gainesway Community Empowerment Center for the purchase of drums and funding for sports activities and appropriating funds pursuant to Schedule No. 184.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Dept. of Military Affairs, Div. of Emergency Management, which grant funds are in the amount of \$182,382.00 Federal funds, are for continuation of the Chemical Stockpile Emergency Preparedness Program (CSEPP), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 185, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Dept. of Military Affairs, Div. of Emergency Management, which grant funds are in the amount of \$54,543.00 Federal funds, are for the support of emergency preparedness activities, the acceptance of which obligates the Urban County Government for the expenditure of \$54,550 as a local match, appropriating funds pursuant to Schedule No. 188, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the U.S. Dept. of Justice on behalf of the U. S. Attorney's Office, Eastern District of Ky., to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$153,583.00 Federal funds, are for the support of new and expanded anti-gang prevention and enforcement efforts under the Project Safe Neighborhoods (PSN) initiative, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2007 Schedule No. 7, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Transportation Cabinet, which grant funds are in the amount of \$290,967.00 (FHWA Planning), \$40,000.00 (Federal Transit Administration Section 5303), \$96,000 (Mobility Office (SLX)), and \$48,000.00 (Air Quality Planning (SLX)) Federal funds, are for the Div. of Planning Unified Work Program – FY 2007, the acceptance of which obligates the Urban County Government for the expenditure of \$54,560.00 (FHWA Planning), \$10,000.00 (Federal Transit Administration), \$24,000.00 (Mobility Office (SLX)), and \$12,000.00 (Air Quality Planning (SLX)) as a local match, subject to sufficient funds being appropriated in FY 2007, appropriating funds pursuant to FY 2007 Schedule No. 8, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Div. of Forestry, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$10,000.00 Federal funds, are for the FY 2007 Urban Forestry Project, the acceptance of which obligates the Urban County Government for the expenditure of \$10,000.00 as a local match, appropriating funds pursuant to FY 2007 Schedule No. 9, and authorizing the Mayor to transfer unencumbered funds within

An Ordinance authorizing the Mayor to execute and submit the 2006 Consolidated Plan/Grant Application to the U. S. Dept. of Housing and Urban Development, to provide any additional information requested in connection with this grant application, and to accept the grant if the application is approved, which grant funds are in the amount of \$3,651,600 Federal funds, are for FY 2007 Community Development Block Grant Program (\$2,128,374), HOME Program (\$1,396,878), Emergency Shelter Grant Program (\$91,340) and the American Dream Down Payment Initiative (\$35,008), the acceptance of which obligates the Urban County Government for the expenditure of \$328,304 from various funding sources as local cash match and \$67,340 in-kind match; appropriating funds pursuant to FY 2007 Schedule No. 10; authorizing the Mayor to transfer unencumbered funds within the grant budget; and authorizing the Mayor to execute Agreements for the approved Plan.

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Aye: Myers, Shafer, Stevens, Stinnett, Wigginton, Brown, Cegelka,
DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney ----- 14

A Resolution accepting the bid of Ky. Trade Co., Inc. establishing a price contract for computer systems and components, for the Div. of Computer Services.

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medians, nuisance abatement and downtown parks, for the various departments and divisions of the Urban County Government.

A Resolution accepting the bid of Howell & Howell Contractors, Inc., in the amount of \$62,750.00, for North Base roof replacement.

A Resolution accepting the bid of Deeds Equipment Co., Inc., in the amount of \$12,613.75, for remote confined space video pipe inspection equipment, for the Div. of Sanitary Sewers.

A Resolution accepting the bid of P & P Professional Painting in the amount of \$16,630.00, for Bell Place Carriage House exterior painting for the Div. of Parks.

A Resolution accepting the bid of Kyova Electrical Services, Inc. in the amount of \$71,971.84, for Cardinal Run Field #8 sports lighting for the Div. of Parks.

A Resolution authorizing the Mayor to execute Agreements with Lexington Children's Drum Choir Corp (\$850.00), East End Empowerment Program, Inc. (\$405.50) and Stonewall Community Association, Inc. (\$800.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution ratifying the probationary civil service appointments of: James Holman, Trades Supervisor, Grade 113N, \$23.019 hourly, in the Div. of Parks, effective March 6, 2006; Theresa Maynard, Buyer, Grade 112E, \$1,493.52 bi-weekly, in the Div. of Central Purchasing, effective March 20, 2006; Theresa Mills, Certified Medical Assistant, Grade 110N, \$16.500 hourly, in the Div. of Family Services, effective March 27, 2006; ratifying the permanent civil service appointments of: David Sullivan, Director Government Communications, Grade 121E, in the Div. of Government Communications, effective February 8, 2006; ratifying the permanent sworn appointments of: James Wright, Police Sergeant, Grade 315N, in the Div. of Police, effective March 5, 2006; approving the unclassified civil service appointment of: Davita Gatewood, Client Assessment Counselor, Grade 112E, \$1,096.88 bi-weekly, in the Mayor's Training Center, effective March 20, 2006; Sarah Elizabeth Davis, Deputy Coroner, Grade 112N, \$13.250 hourly, in the Office of the Coroner, effective March 20, 2006; Stephanie Gibson, Clinical Services Manager, Grade 117E, \$1,715.84 bi-weekly, in the Div. of Adult Services, effective April 10, 2006.

A Resolution authorizing the Mayor to terminate the Adopt-A-Spot Program Agreement with Pleasant Green Baptist Church in the amount of \$921.44 for quarterly litter cleanup of inner city area number nine due to nonperformance and to execute an

Adopt-A-Spot Program Agreement with Tates Creek Presbyterian Church (BS Troop 226), for services in the same area, at a cost not to exceed \$921.44.

A Resolution authorizing the Mayor to execute a Customized Training Agreement with Dr. Ballard Morgan, D.M.D., for skills upgrade training, at a cost not to exceed \$412.50.

A Resolution authorizing the Mayor to execute an Agreement with Bluegrass Crime Stoppers, Inc. for an Affiliation Agreement, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute an Agreement with Downtown Lexington Corp. Foundation (\$1,000.00) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution amending Resolution No. 74-2006 to add acceptance of the bid of AD Starr establishing a price contract for athletic equipment, for the Div. of Parks.

A Resolution directing the Dept. of Finance to process requests for payments from cost centers in budgeted accounts in the Council Office only upon confirmation by the Council Administrator that funds are currently available in the specific cost center from which payment is requested.

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A Resolution on behalf of the Lexington-Fayette Urban County Government and Lexington-Fayette Urban County Government Public Facilities Corp. declaring the property located at 333 East Main Street surplus property and authorizing the Mayor to execute an Agreement to Purchase and a General Warranty Deed and Certificate of Consideration transferring this surplus property to Main & Rose, LLC, for the sum of \$14,720.00 was on the docket for second reading.

Mr. Lane made a motion to amend the resolution by substituting for the Agreement related thereto an Agreement that includes the following provisions: (1) that the Purchaser, at his own expense, construct "on street" parking and sidewalks along the Elm Tree Lane frontage of the property; (2) that, the Purchaser recognizing that the property is being sold below market value as an inducement for the Purchaser to develop its retail and multi-tenant development, the Purchaser agrees to develop the project and to commence construction within 12 months of the closing date of the sale of the subject property; and (3) that if the Purchaser fails to commence construction as required, the Government may

purchase the property back from the Purchaser for the amount paid for the property by the Purchaser.

Mr. Lane stated that this was a material change and would require a new first reading of the resolution.

The motion failed due to lack of a second.

The resolution was given second reading and passed by the following vote:

Aye: Myers, Shafer, Stevens, Stinnett, Cegelka,
DeCamp, Ellinger, Gorton, Lane, Moloney ----- 10

Nay: Wigginton, Brown, Farmer ----- 3
(Mr. McChord disqualified himself when the vote was taken.)

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A Resolution authorizing the Mayor to execute an Agreement with Pictometry International Corp., for lease of aerial photography, software and related licenses for the 911 system, at a cost not to exceed \$162,878.00 was given second reading and passed by the following vote:

Aye: Myers, Shafer, Stevens, Stinnett, Cegelka, DeCamp,
Ellinger, Farmer, Gorton, Lane, McChord, Moloney ----- 12

Nay: Wigginton, Brown ----- 2

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A Resolution adopting the Council Capital Expenditure Policy to govern the expenditure of capital funds was given second reading and passed by the following vote:

Aye: Shafer, Stevens, Stinnett, Cegelka,
DeCamp, Ellinger, Gorton, Moloney ----- 8

Nay: Myers, Wigginton, Brown, Farmer, Lane, McChord ----- 6

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The following resolutions were given first reading. Upon motion of Mr. Brown and seconded by Mr. Myers, the rules were suspended by majority vote (Mr. Stinnett voted no.). The resolutions were given second reading and passed by the following vote:

Aye: Myers, Shafer, Stevens, Stinnett, Wigginton, Brown,
DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney ----- 13

Nay: ----- 0
(Mr. Cegelka was absent when the vote was taken.)

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Larry Robinson,

located at 702 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment in the amount of \$800.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky. Transportation Cabinet and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$250,000.00 Federal funds under the Ky. Safe Routes to School Program, and are for the Gainesway Trail Project.

A Resolution authorizing the Mayor to execute Agreements with Georgetown Street Area Neighborhood Association, Inc. (\$250.00), Center for Women, Children & Families, Inc. (\$1,300.00), Young Men's Christian Association of Central Ky., Inc. (\$1,425.00), and Lexington Shakespeare Festival, Inc. (\$850.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute a State Funded Memorandum of Agreement with Commonwealth of Ky. Environmental and Public Protection Cabinet, for recycling/proper disposal of mercury collected at the Spring Clean household hazardous waste collection day, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute Amendment No. 1 to the Agreement with the Governor's Office for Local Development, for the Extension of the Agreement for grant funds for the preservation of Cove Haven Cemetery from June 30, 2006 to June 30, 2007, at no cost to the Urban County Government.

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A Resolution accepting the bid of E. C. Matthews Company, Inc. in the amount of \$163,209.00, for African Cemetery #2 Fence Project Phase II for the Office of the CAO was given first reading.

Upon motion of Mr. Brown and seconded by Mr. Myers, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Myers, Shafer, Stevens, Stinnett, Wigginton, Brown,
DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney ----- 13

Nay: ----- 0
(Mr. Cegelka was absent when the vote was taken.)

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A Resolution ratifying the probationary civil service appointments of: Todd Eads, Assistant Director Detention, Grade 119E, \$2,822.07 bi-weekly, in the Div. of Community

Corrections, effective April 3, 2006; Jimmie Campbell, Engineering Technician Principal, Grade 115E, \$1,732.16 bi-weekly, in the Div. of Sanitary Sewers, effective April 3, 2006; Brenda Bunting, Life Skill Program Specialist, Grade 113E, \$1,249.68 bi-weekly, in the Div. of Community Corrections, effective April 17, 2006; Everett Hampton, Public Service Worker Sr., Grade 107N, \$12.448 hourly, in the Div. of Parks, effective April 17, 2006; Joseph Davis, Public Service Worker, Grade 106N, \$12.690 hourly, in the Div. of Parks, effective April 17, 2006; Jerry Rollins, Public Service Worker, Grade 106N, \$11.733 hourly, in the Div. of Parks, effective April 17, 2006; Philliana Wingate, Catherine Turney, John Rucker, James Smith, Stephen Thompson, Tim Carpenter, Martin Butler, Michael White, James Kilgore, Billy Graves, Ernest Anderson, Michael Meade, Crystal G. Roberts, Kenneth D. Henson II, Melissa J. Williams, Leslie Napier, Michelle Washington, Roy Howard, Scott Willoughby, Ronnie Allen, Jamey Back, Mark Grimes, Jason Wallace, Michael Church, Jeremy Moore, John Hampton, Jonathan Hubbard and Demarco Isbell, Community Corrections Officer, Grade 110N, \$12.221 hourly, in the Div. of Community Corrections, effective April 17, 2006; Paul Johnson, Public Service Worker Sr., Grade 107N, \$15.168 hourly, in the Div. of Streets, Roads & Forestry, effective April 24, 2006; Robert Lewis, Public Service Worker Sr., Grade 107N, \$13.971 hourly, in the Div. of Streets, Roads & Forestry, effective April 17, 2006; John Throckmorton, Public Service Worker Sr., Grade 107N, \$14.070 hourly, in the Div. of Streets, Roads & Forestry, effective April 17, 2006; Sharon Smith, Social Worker, Grade 111E, \$1,495.38 bi-weekly, in the Div. of Youth Services, effective April 17, 2006; Patricia Bishir, Public Service Worker, Grade 106N, \$13.709 hourly, in the Div. of Sanitary Sewers, effective May 1, 2006; Brenda Anderson, Staff Assistant Sr., Grade 108N, \$16.226 hourly, in the Div. of Government Communications, effective April 17, 2006; Rachel Phillips, Planner Sr., Grade 117E, \$1,670.08 bi-weekly, in the Div. of Planning, effective April 17, 2006; Mollie Maloney, Accountant Sr., Grade 116E, \$2,167.04 bi-weekly, in the Div. of Accounting, effective May 1, 2006; James Jackson, Custodial Worker, Grade 102N, \$10.265 hourly, in the Div. of Building Maintenance and Construction, effective April 17, 2006; Roger Crace, Code Enforcement Supervisor, Grade 116E, \$1,944.00 bi-weekly, in the Div. of Code Enforcement, effective April 3, 2006; Patrick Schweighardt, Code Enforcement Supervisor, Grade 116E, \$1,936.56 bi-weekly, in the Div. of Code Enforcement, effective April 3, 2006; Mark Johnson, Engineering Aide Sr., Grade 109N, \$11.467 hourly, in the Div. of Traffic

Engineering, effective May 1, 2006; Richard Morgan, Equipment Operator Sr., Grade 109N, \$15.007 hourly, in the Div. of Traffic Engineering, effective May 1, 2006; ratifying the permanent civil service appointments of: Charles Douglas, Skilled Trades Worker, Grade 111N, in the Div. of Building Maintenance and Construction, effective April 3, 2006; Delores Miller, Custodial Worker, Grade 102N, in the Div. of Building Maintenance and Construction, effective March 19, 2006; Bethany Todd, Administrative Specialist, Grade 110N, in the Div. of Government Communications, effective April 3, 2006; Jamison Owens, Communications Officer, Grade 111N, in the Div. of Police, effective March 19, 2006; Betty Jo Hash, Administrative Specialist Sr., Grade 112N, in the Dept. of Law, effective March 12, 2006; approving leave of absence for: Johnnie Brown, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, requests a Council approved leave without pay from March 22, 2006 through April 28, 2006; Michael Roland, Public Service Worker, Grade 109N, in the Div. of Solid Waste, requests a 90 day Council approved leave without pay from March 31, 2006 through June 28, 2006; approving the unclassified civil service appointments of: Lora Smith, Medical Assistant, Grade 108N, \$11.500 hourly, in the Div. of Family Services, effective April 17, 2006; Richard Bello, Probation Officer, Grade 112N, \$14.746 hourly, in the Div. of Youth Services, effective May 1, 2006; Isable Taylor, Multicultural Affairs Coordinator, Grade 118E, \$2,307.68 bi-weekly, in the Dept. of Social Services, effective April 17, 2006; Shannon Settles, Staff to Council II, Grade 000E, \$1,601.92 bi-weekly, in the Office of the Urban County Council, effective October 5, 2005; adjusting the salary of Vicki Steele, Staff to Council II, Grade 000E from \$1,571.44 bi-weekly to \$1,840.67 bi-weekly, in the Office of the Urban County Council, effective retroactive to May 1, 2005 was on the docket for first reading.

Mr. Lane made a motion, seconded by Mr. Stinnett and passed by majority vote, to amend the resolution by tabling the section: "adjusting the salary of Vicki Steele, Staff to Council II, Grade 000E from \$1,571.44 bi-weekly to \$1,840.67 bi-weekly, in the Office of the Urban County Council, effective retroactive to May 1, 2005".

The resolution was given first reading as amended. Upon motion of Mr. Brown and seconded by Mr. Myers, the rules were suspended by majority vote (Mr. Stinnett

voted no.). The resolution was given second reading and passed by the following vote:

Aye: Myers, Shafer, Stevens, Stinnett, Wigginton, Brown,
DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney ----- 13

Nay: ----- 0
(Mr. Cegelka was absent when the vote was taken.)

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The following resolutions were given first reading and ordered placed on file one week for public inspection.

A Resolution accepting the bid of D. M. Anderson, Inc. establishing a price contract for area velocity flow modules, for the Div. of Sanitary Sewers.

A Resolution accepting the bid of Ulrich Chemicals, Inc. establishing a price contract for swimming pool chemicals for the Div. of Parks.

A Resolution accepting the bid of Bohnert Equipment Co., Inc., in the amount of \$35,981.00, for a close headroom electric hoist and trolley, for the Div. of Sanitary Sewers.

A Resolution accepting the bid of National Workwear, Inc., establishing a price contract for work shoes, for the Div. of Solid Waste.

A Resolution accepting the bid of United Refrigeration, Inc., establishing a price contract for programmable thermostats, for the Div. of Building Maintenance and Construction.

A Resolution authorizing the Mayor to execute and submit an application to the Ky. Dept. of Agriculture, to provide any additional information requested in connection with this application, and to accept participation in the U. S. Dept. of Agriculture's Donated Food Program if the application is approved, for use in conjunction with the Child Care Food and National School Lunch Programs, the acceptance of which does not obligate the Urban County Government for expenditure of funds.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the U. S. Dept. of Homeland Security and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$308,500.00 Federal funds under the Assistance to Firefighters Grant Program, and are for the retrofitting fifteen fire stations with exhaust extraction systems and the purchase of a fixed breathing air compressor.

A Resolution authorizing the Mayor to execute an Expansion Area Development Exaction Agreement with Ball-Bryant, LLC pursuant to Article 23 of the Zoning Ordinance

setting out the type and cost of system improvements constructed by the developer in Expansion Area 2A, the amount of exaction credits earned, use for the exaction credits and amount of repayment to the developer from the development exaction fund.

A Resolution authorizing the Mayor to execute a Special Event Agreement with Lexington Joint Venture d/b/a Fayette Mall, for a Div. of Fire and Emergency Services Educational Display during EMS week, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute an Agreement with the University of Ky., for space in the University of Ky. Hospital Emergency Room for use as a clinical practice area for the Sexual Assault Treatment Program, at a cost not to exceed \$3,000.00.

A Resolution authorizing the Mayor to execute a Master Agreement Modification with the Ky. Dept. of Homeland Security, for extension of the expiration date of the agreement for use of grant funds to purchase a CBRNE (chemical, biological, radiological, nuclear and explosive) vehicle from March 31, 2006 to June 30, 2006, at no cost to the Urban County Government.

A Resolution approving, pursuant to Section 22-55.1 of the Code of Ordinances, the bond with surety of Theodore J. Hudson, Third District Constable, in the amount of \$10,000, and directing the Div. of Risk Management to record the bond, with surety, along with a certified copy of this Resolution, in the Office of the Fayette County Clerk.

A Resolution endorsing the Rural Secondary Road Program as proposed for FY 2007 by the Ky. Transportation Cabinet.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying permanent bikeway, shared use trail and access easements and temporary construction easements from Pinnacle Development II, LLC, located at 4250 Clearwater Way, for the West Hickman Shared Use Trail, at no cost to the Government.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying property located at 2866 Majestic View Walk from Masterson Properties, LLC, for pedestrian access to Masterson Station Park, at no cost to the Government.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from Felix Williams and Geraldine Williams, for property located at 1621 Old

Paris Road, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$9,725.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement and permanent right-of-way from Steven Allan Arnett and Nancy Arnett, located at 829 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment in the amount of \$700.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Maintenance and Support Agreement with Motorola, Inc., for continued maintenance for the Live Scan 2000 fingerprint machine at the Detention Center, at a cost not to exceed \$6,252.00.

A Resolution authorizing the Mayor to execute Customized Training Service Agreements with Susan Kleier, D.M.D., and Robert Loy, D.M.D., for training in restorative dentistry for a dental assistant for each dentist, at a cost not to exceed \$825.00 (\$412.50 for each dental assistant).

A Resolution authorizing the Mayor to execute Agreements with Wellington Homeowner's Association, Inc. (\$500.00), Golfview Estates Neighborhood Association, Inc. (\$1,500.00), Hollywood-Mt. Vernon Neighborhood Association, Inc. (\$4,000.00), Cardinal Valley Elementary PTA, Inc. (\$550.00), Gainesway Community Empowerment Center Volunteer Board, Inc. (\$200.00), and Lexington Shakespeare Festival, Inc. (\$250.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute a Master Agreement Modification, to the Agreement authorized by Ordinance No. 5-2006, with the Ky. Dept. of Homeland Security, for extension of the agreement for grant funds to purchase CBRNE (chemical, biological, radiological, nuclear and explosive) equipment from March 31, 2006 to June 30, 2006, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Contract with Waterford Homeowners Association, for retention pond improvements, at a cost not to exceed \$12,095.00.

A Resolution authorizing the Mayor to execute a Contract with Woodfield Homes Association, Inc., for retention pond improvements, at a cost not to exceed \$5,000.00.

A Resolution authorizing the Mayor to execute a Contract with Palomar Hills Community Association, Inc., for retention pond improvements, at a cost not to exceed \$4,442.00.

A Resolution authorizing the Mayor to execute Concession Contracts with Dixie Youth Baseball for Mary Todd Park, Southwest Lexington Pony Baseball for Cardinal Run Park, Gardenside Little League for Cardinal Run Park, Kirklevington Senior Baseball for Kirklevington Park, South Lexington Youth Baseball for Shillito Park, Bluegrass Girls Fastpitch for Cardinal Run Park, Northern Babe Ruth for Constitution Park, Southeastern Babe Ruth for Veterans Park, South Lexington Babe Ruth for Shillito Park, Northern Cal Ripken for Kenawood Park and Southeastern Cal Ripken for Crosby Park, to provide concessions at Government owned ballfields for the benefit of the youth in the community, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the Contract with CDP Engineers, Inc., for design services for South Elkhorn Pump Station and Force Main Improvement Project, increasing the contract price by the sum of \$114,000.00 from \$340,000.00 to \$454,000.00.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the Contract with Bluegrass Contracting Corp., for construction of the I-75 Noise Abatement Project, increasing the contract price by the sum of \$92,213.00 from \$372,637.50 to \$464,850.50.

A Resolution authorizing the Mayor to execute Change Order No. 2 to the Contract with Quest Engineers, Inc., for the Design of the I-75 Noise Abatement Project, increasing the contract price by the sum of \$6,000.00 from \$132,000.00 to \$138,000.00.

A Resolution authorizing the Mayor to execute Change Order No. 2 to the Contract with Walker Co., for Haley Pike Landfill Closure, increasing the contract price by the sum of \$169,986.39 from \$4,960,969.50 to \$5,130,955.89.

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Upon motion of Mr. Cegelka, seconded by Mr. Ellinger and passed by unanimous vote, a Resolution accepting the bid of Walter Martin Excavating, Inc. in the amount of \$65,408.75 for Squires Hill Lane Culvert Replacement was placed on the docket, given first reading and ordered placed on file one week for public inspection.

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Upon motion of Mr. DeCamp, seconded by Ms. Shafer and passed by unanimous vote, the following communications from the Mayor were approved and are as follows: (1)

recommending the appointment of Deborah B. Hill, to the Greenspace Commission with a term to expire 7-18-2009. Ms. Hill will fill the unexpired term of James Dinger as Forestry Representative; (2) recommending the reappointments of Greg Padgett, HBAL Representative, and Carolyn Plumlee, Fayette County Neighborhood Council Representative, to the Rural Land Management Board with terms to expire 4-1-2010. Also, recommending the appointment of Tom Thornbury, Ky. Thoroughbred Association Representative, to the Rural Land Management Board with a term to expire 4-1-2010 and (3) recommending the reappointment of Robert Kelly, neighborhood representative, to the Town and Gown Commission with a term to expire 2-1-2010.

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The following communications were received from the Mayor for information only: (1) Resignation of Burnam Rankin, Equipment Operator Sr., Grade 109N, in the Div. of Solid Waste, effective March 20, 2006 and (2) Reinstatement of James Stepetak, Community Corrections Officer, Grade 110N, \$19.142 hourly, in the Div. of Community Corrections, effective March 29, 2006.

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The report from the Div. of Building Inspection for the month of February, 2006 was received and ordered filed.

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Mr. Wigginton spoke about the Easter holiday week.

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Mr. Moloney congratulated Gardenside Post Office for receiving the designation of #1 Post Office for Customer Service in the Nation.

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Ms. Gorton wished Mr. Ellinger a Happy Birthday and Mr. McChord a Happy Anniversary.

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Mr. Bernard McCarthy, 515 Harry Street, spoke against using part of the Government's rainy day fund for the 2007 Budget.

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Ms. Marlene White, 119 South Ashland Avenue, asked about the moratorium on her property and how soon the Council and Planning Commission would act on it.

The Mayor asked Ms. Andrea Weddle, Dept. of Law, to respond.

Ms. Weddle stated that the moratorium was on the Planning Commission's agenda today but that they had had to move out of the Council Chambers to another

location in the building before that item had been discussed because of the start of the Council Meeting, and she did not know whether the issue had been considered.

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Mr. Robert Dalton, 520 Douglas Avenue, announced that an At-Large Council Member Forum would be held on Monday at 7:00 p.m. at Sayre School, and that the Georgetown Street Neighborhood Cleanup had been changed to April 29th at Booker T. Washington Elementary School.

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Mr. Bill Wheeler, Jesselin Drive, spoke about the Council's Capital Expenditure Policy that had just been approved by resolution and recommended adding to it a way to know that the conditions of the policy were being followed. He also recommended changing "Inter-Governmental" Capital Expenditures to "Intra-Governmental" so that the meaning was clearer.

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Mr. Duvall Headley, 189 Montmullin Street, complimented Mr. Lane on his comments at the April 11th Work Session concerning the Main and Rose Street surplus property issue and thanked Mr. Wigginton for bringing up a similar situation that had occurred on Georgetown Street. He recommended that the Council provide disclosure of their interests in property in the city.

Mr. Headley congratulated Ms. Gorton and Mr. Cegelka for being featured in a recent news journal.

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The Council adjourned at 8:19 p.m.

Clerk of the Urban County Council